

Appln No. 10/524,606
Amdt date April 23, 2008
Reply to Office action of January 28, 2008

REMARKS/ARGUMENTS

Claims 76-89 are currently pending in this application. Claims 90-96 have been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reconsideration and an early indication of allowance of the now-pending claims 76-96 are respectfully requested.

Claim 76 is rejected under 35 U.S.C. 102(b) as being anticipated by *Li et al.*, "Identifying Good Diagnostic Gene Groups from Gene Expression Profiles Using the Concept of Emerging Patterns," 2002 (the Li article). Applicant respectfully traverses this rejection.

The Li article was published in Bioinformatics on May 2002. (See attached citation). This application is a National Phase Application of PCT Application Number PCT/SG2002/000190, filed on August 22, 2002. Thus, this application is entitled to the benefit of the filing date of the PCT application which is within one year of the publication of the Li article. Hence the Li article is not a bar under 35 U.S.C. 102(b). Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 76 under 35 U.S.C. 102(b).

The Li article should also be removed as prior art under 35 U.S.C. 102(a). Applicant submits herewith a Declaration of Jinyan Li under 37 CFR § 1.132 establishing that the Li article, describes Applicant's own work. As evidenced by the Declaration, Applicant is the sole inventor of the invention disclosed in this article, and the other author, Limsson Wong, was merely working under Applicant's direction.

Claims 83 and 89 are rejected under 35 U.S.C. 102(a) as being anticipated by *Dong et al.*, "Mining Border Descriptions of Emerging Patters from Dataset Pairs," 2004 (the Dong article). The publication of the Dong article is after the filing date of the PCT application to which this application claims the benefit. Accordingly, the Dong article is not prior art to this application. Applicant respectfully requests that the Dong article be removed as prior art, and that the rejection of claims 83 and 89 under 35 U.S.C. 102(a) be withdrawn.

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Claim 82 is rejected under 35 U.S.C 103(a) as being unpatentable over Li in view of Dong. Applicant respectfully requests withdrawal of this rejection for the reasons discussed above with respect to claims 76, 83, and 89.

Claims 77-81 and 84-88 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 90-96 are new in this application. Claim 90 is a new independent claim which includes limitations similar to the limitations of claim 76 which makes claim 76 allowable. Accordingly, claim 90 is in condition for allowance.

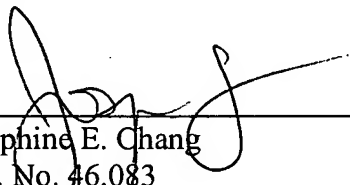
Claims 91-96 are also in condition for allowance because they depend on an allowable base claim and for the additional limitations that they contain.

In view of the above amendments and remarks, reconsideration and an early indication of allowance of the now-pending claims 76-96 are respectfully requested.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By


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626/795-9900

Enclosures: Li article citation
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Identifying good diagnostic gene groups from gene expression profiles using the concept of emerging patterns.

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